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 CITY OF RICHMOND, Police Chief CHRIS MAGNUS;
 Officers PATRICK DAVIS and ESTABAN BARRAGAN

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

VALENTINA ARCE, as Successor in
 Interest to ALAN ARCE,

Plaintiffs,

vs.

CITY OF RICHMOND, a Municipal
 Corporation; Police Chief CHRIS
 MAGNUS; Police Officers PATRICK
 DAVIS and ESTABAN BARRAGAN, and
 DOES 1 through 20,

Defendants.

Case No. C09-01168 JCS

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING CASE
 MANAGEMENT DEADLINES**

Judge: Hon. Joseph C. Spero
 Dept: Courtroom A, 15th Floor

Trial Date: July 26, 2010

IT IS HEREBY STIPULATED between the parties as follows:

WHEREAS by Case Management and Pretrial Order ("Order") dated 8/25/09 (Document No. 26), non-expert and expert discovery deadlines as well as a dispositive motion hearing deadline, pretrial and trial dates were initially set in this case;

WHEREAS per that Order, fact discovery is scheduled to close on February 1, 2010, expert disclosures are due February 1, 2010, the expert discovery deadline is March 2, 2010, dispositive motions should be heard no later than April 2, 2010. The trial of this matter is set for July 26, 2010;

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1 WHEREAS the parties have diligently proceeded with discovery in this matter. The
 2 parties have exchanged written discovery, have produced documents and are actively taking party
 3 and witness depositions.

4 WHEREAS due to the trial schedule of defense counsel, with a trial that was set to go
 5 forward in mid November (*DeArmand E. et al. v. City of Antioch et al.* (C08-01709 SI) (hereafter
 6 “*DeArmand case* ”)), discovery in other pending matters of defense counsel had to be set for
 7 December 2009. Unfortunately, due to the holidays, the number of available working days in
 8 December 2009 is limited. Further complicating the discovery process is the fact that defense
 9 counsel is set to start a two or so week jury trial with the Law Offices of John Burris, Plaintiffs’
 10 counsel in this matter, on January 11, 2010, in the matter of *Stringer et al. v. City of San Pablo, et*
 11 *al.* (C07-3544 MEJ) (“*Stringer case*”), which will likely last up to near the end of January 2010.
 12 Both lead trial counsel in this above entitled matter are also lead trial counsel in the *Stringer*
 13 matter.

14 WHEREAS the parties are concerned that they will not be able to complete fact discovery
 15 by the current set deadline of February 1, 2010, due to these circumstances and their best efforts
 16 and the parties may also need additional time for expert disclosures and discovery in line with any
 17 non-expert discovery extension. These matters were candidly discussed with the Court at the
 18 most recent case management conference and the Court had recommended that the parties prepare
 19 this stipulation for such additional time if need be.

20 WHEREAS counsel on both sides of this matter have met and conferred to come up with
 21 a revised schedule to the Court’s Order in relation to such discovery issues, a plan that will not
 22 impact the current dispositive motion hearing date, pretrial conference or the trial date, as
 23 requested by the Court.

24 WHEREAS the parties have not previously continued the discovery dates included in the
 25 Court’s Order.

26 Good cause is present to extend the currently set deadlines as follows:
 27
 28

<u>Deadline Description</u>	<u>Current Date</u>	<u>Proposed Modified Date</u>
Close of Non-Expert Discovery	February 1, 2010	February 26, 2010
Expert Disclosure	February 1, 2010	February 26, 2010
Rebuttal Expert Disclosure	No current deadline	March 10, 2010
Close of Expert Discovery	March 2, 2010	March 31, 2010
Dispositive Motion Hearing Date	April 2, 2010	No change.
Pretrial Conference	July 16, 2010	No change.
Trial Date	July 26, 2010	No change.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: December 4, 2009

MCNAMARA, DODGE, NEY, BEATTY, SLATTERY,
PFALZER, BORGES & BROTHERS LLP

By: /s/ Noah G. Blechman
James V. Fitzgerald, III
Noah G. Blechman
Attorneys for Defendants
CITY OF RICHMOND, Police Chief CHRIS
MAGNUS; Officers PATRICK DAVIS and
ESTABAN BARRAGAN

Dated: December 4, 2009

LAW OFFICE OF JOHN L. BURRIS

By: /s/ Steven Yourke
John L. Burris / Steven Yourke.
Attorneys for Plaintiffs
VALENTINA ARCE, as Successor in Interest to
ALAN ARCE

ORDER

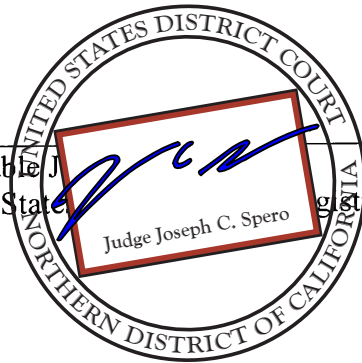
The parties have demonstrated good cause to modify the Court's original Case Management Order of August 25, 2009 (Document No. 26), as follows:

<u>Deadline Description</u>	<u>New Deadline Date</u>
Close of Non-Expert Discovery	February 26, 2010
Expert Disclosure	February 26, 2010
Rebuttal Expert Disclosure	March 10, 2010
Close of Expert Discovery	March 31, 2010
Dispositive Motion Hearing Date	No change (April 2, 2010)
Pretrial Conference	No change (July 16, 2010)
Trial Date	No change (July 26, 2010)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/08/09

By: [Signature]
Honorable J. [Signature]
United States District Judge



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